

1 THE UNITED STATES DEPARTMENT OF AGRICULTURE
2 ANIMAL AND PLANT HEALTH INSPECTION SERVICE

3 In the Matter of:)
4 PUBLIC MEETING -) Docket No. 00-008-1
5 IMPORTED FIRE ANTS (IFA))
6 Thursday,
7 March 23, 2000
8 Tibet Room
9 Radisson Barcelo Hotel
10 8444 International Drive
11 Orlando, Florida

12 The meeting in the above-entitled matter was
13 convened, pursuant to Notice, at 9:13 a.m.

14 APPEARANCES:
15 FOR THE USDA/APHIS:
16 MICHAEL A. LIDSKY, Esquire
17 RONALD MILBERG
18 U.S. Department of Agriculture
19 Animal and Plant Health Inspection Service
20 Plant Protection and Quarantine
21 4700 River Road, Unit 141
22 Riverdale, Maryland 20737-1236
23 (301) 734-5762
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1 APPEARANCES (CONTINUED):

2 FOR THE USDA/APHIS (Continued):
3 HOMER L. COLLINS
4 Station Leader
5 Imported Fire Ant Station
6 U.S. Department of Agriculture
7 Animal and Plant Health Inspection Service
8 Plant Protection and Quarantine Programs
9 3505 Twenty-fifth Avenue
10 Gulfport, Mississippi 39501
11 (601) 864-0120
12 SPEAKERS:
13 RANDY JACOBS
14 BILL KLINGER
15 BILL REESE
16 GEORGE HACKNEY
17 JOHN SPARMANN
18 FRED MAY
19 THAD BESHEARS
20 MATT POWERS
21 DANNY PHELPS
22 MONTY KNOX
23 NANCY McDONALD
24 BEN BOLUSKY
25 CHET PECKETT
26 JACK MILLER
27 GARY COBB
28 BILL TURK
29 CAROLEE HENDERSON

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1 PROCEEDINGS

2 (9:13 a.m.)

3 MR. LIDSKY: Ladies and gentlemen, good morning.

4 We are here to convene a USDA Animal and Plant Health

5 Inspection Services public meeting to discuss issues related
6 to the administration of the Imported Fire Ant Program by
7 Plant Protection and Quarantine in light of reduced funding
8 for fiscal year 2000.

9 My name is Mike Lidsky. I have been asked by the
10 Deputy Administrator for Plant Protection and Quarantine to
11 be the moderator for today's meeting. With me on my right
12 is Mr. Ron Milberg, and Mr. Homer Collins on my left.

13 Mr. Milberg is an Operations Officer for the
14 invasive species and pest management Staff in Riverdale,
15 Maryland. This is the staff that provides headquarters
16 support to the Imported Fire Ant Program.

17 Mr. Collins is the Research Leader at the
18 Gulfport, Mississippi Plant Methods Lab. And that lab is
19 charged with developing regulatory treatments for the
20 Imported Fire Ant Program.

21 The purpose of today's meeting in Orlando is to
22 give interested persons an opportunity to present their
23 views on the three options APHIS has presented for comment,
24 as well as to present other possible options for
25 administering the Imported Fire Ant Program in light of

1 reduced funding.

2 Notice of today's meeting was published in the
3 Federal Register on March 2nd on pages 11281 through 11283.
4 Extra copies of the notice are available at the registration
5 table. Today's meeting in Orlando is the second of four
6 public meetings we are holding to solicit views from
7 interested persons.

8 The first meeting was held in Raleigh, North
9 Carolina on March 21st. The third meeting will be held in
10 Austin, Texas on March 28th at the Clements Building,
11 Committee Room 5, Fifteenth and Lavaka Streets in Austin.
12 And our fourth meeting will be held in Santa Ana, California
13 on March 30th at the County of Orange Administration
14 Building at 10 Civic Center Plaza in the Board of
15 Supervisors Anteroom. These addresses, of course, appear in
16 the Federal Register notice.

17 The format for today's meeting is as follows:

18 After I complete my remarks on the procedural aspects of
19 today's meeting, Mr. Milberg will make a short presentation
20 on the history of the Imported Fire Ant Regulatory Program,

21 as well as the regulatory options we have asked persons to
22 comment on. Should any questions arise about the regulatory
23 treatments that are currently available or new regulatory or
24 control strategies that the agency is pursuing, Mr. Collins
25 would be the best person to answer those questions.

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1 Persons who have registered to speak will be given
2 an opportunity to speak before unregistered persons. If
3 time permits, and time will permit, persons who have not
4 registered will be given an opportunity to speak once all
5 registered persons have been heard.

6 Today's meeting is scheduled to conclude at 5:00
7 p.m. We may conclude the meeting before 5:00 if all persons
8 who have registered to participate have been heard and there
9 are no other persons that wish to speak. I will add that I
10 have been asked to keep the meeting open for some people
11 that are arriving by plane and should be here shortly. And
12 we will do that.

13 I will announce any other procedural rules for the

14 conduct of today's meeting as may be necessary. All
15 comments made here today are being recorded and will be
16 transcribed. The Court Reporter for today's meeting is Ms.
17 Bonnie Niemann with the Heritage Reporting Corporation in
18 Washington, D.C. Those persons wishing to receive a
19 transcript should contact the Heritage Reporting Service at
20 area code (202) 628-4888.

21 A copy of the transcript shall also be posted on
22 the APHIS website at www.aphis.usda.gov in approximately
23 eight business days. A copy of the transcript shall also be
24 made available for public inspection at the APHIS reading
25 room. And that is in Washington, D.C. in Room 1141 of

1 USDA's South Building at Fourteenth and Independence.

2 As the moderator, I will call each person that is
3 registered to make a prepared statement. Before commencing
4 your remarks, please state and spell your last name for the
5 benefit of the Court Reporter. In accordance with the
6 procedures noted in the March 2nd Federal Register notice, I

7 am requesting that anyone that reads a prepared statement,
8 please provide me with two copies of your statement at
9 either the commencement or the conclusion of your prepared
10 remarks.

11 Any written as well as any oral statements
12 submitted or presented at today's meeting, as well as any
13 written comments submitted prior to the close of a comment
14 period shall become part of the public record. As a
15 reminder, the comment period closes on May 1.

16 If an individual's comments do not relate to the
17 stated purpose of the meeting which is to present comments
18 or questions on the proposed options or to propose other
19 options, it will be necessary for me to ask the speaker to
20 focus his or her comments supportingly.

21 Any comments in addition to those presented at
22 today's meeting should be submitted to docket number 00-008-
23 1, Regulatory Analysis and Development, PPD, APHIS, Suite
24 3C03, 4700 River Road, Unit 118, Riverdale, Maryland 20737.
25 Of course, that address is also in the Federal Register

1 notice. When submitting such comments by mail, please
2 submit an original and three copies.

3 Lastly, we ask that before you leave today you
4 please take a moment to fill out the survey that is on the
5 registration table. It asks questions in terms of the
6 adequacy of the meeting location, how the meeting was run
7 and if you are satisfied. So we would be very grateful if
8 you would do that.

9 After Ron Milberg's presentation, I will call the
10 first registered speaker. At this time, Ron, if you would
11 commence.

12 MR. MILBERG: All right. Thank you, Mike. Today
13 I will provide some background on the IFA Program and then
14 talk about how it has evolved over the years, and then
15 finally discuss today's situation.

16 To begin with, imported fire ants, or IFA, were
17 introduced into the southern United States 60 to 80 years
18 ago. After the ants were first observed around 1920,
19 landowners in infested areas began applying available
20 insecticides such as calcium cyanide dust.

21 With the advent of chlorinated hydrocarbons to
22 cost effectively control ants, the federal quarantine was

23 established in 1958 to regulate infested areas.
24 The quarantine currently regulates all or portions
25 of Alabama, Arkansas, California, Florida, Georgia,

1 Louisiana, Mississippi, New Mexico, North Carolina,
2 Oklahoma, Puerto Rico, South Carolina, Tennessee and Texas.

3 The federal quarantine regulates the movement of articles
4 known to spread IFA including nursery stock and soil.

5 The original program was a cooperative effort
6 between APHIS and the states in three areas including
7 detection, confining and eradicating isolated infestations,
8 regulatory activity to slow IFA's spread by controlling the
9 movement of regulated articles and, finally, control
10 activity to reduce populations using wide area pesticide
11 applications.

12 As registrations and food tolerances for
13 chlorinated hydrocarbons were canceled during the 1960s and
14 '70s, wide area pesticide applications were no longer
15 practical due to the poor efficacy of available pesticides.

16 The IFA Program then shifted to baits and organophosphates.
17 Unfortunately, some of these compounds such as chlorpyrophos
18 were less effective than previously used materials.

19 During the 1980s with the continued loss of
20 chemicals, the federal program focused on methods
21 development, primarily testing of new treatments to certify
22 regulated articles for interstate movement.

23 And moving to today's situation, during the 1990s
24 the appropriations for many federal domestic programs
25 declined over cap. and states assumed more IFA survey and

1 regulatory responsibility. State activities were conducted
2 in part using cooperative funding agreements with APHIS.
3 Most federal dollars were passed through to the states to
4 ensure compliance with the federal quarantine.

5 Let me just briefly put up a graph here that shows
6 IFA funding over the past few years. As shown on this
7 graph, continued pressure on domestic budgets caused funding
8 for the IFA Program to decline from about five million

9 dollars in 1990 to \$100,000.00 in 2000.

10 Of this year's \$100,000.00 appropriation, Congress
11 earmarked about \$58,000.00 for IFA work into Mexico. Given
12 the current funding level, essentially no dollars are
13 available for pass-through to other states.

14 Despite the low funding level, APHIS continues to
15 maintain the federal quarantine by annually updated the list
16 of infested areas contained in the Federal Register. In
17 addition, our investigative and enforcement services staff
18 looks into about ten to 20 quarantine violations annually.

19 About one-third of these cases are closed with
20 warnings issued by the local plant protection and quarantine
21 officer for a first-time violation. Another third are
22 closed with no action if the shipping facility was under a
23 compliance agreement and the treatments were applied in
24 accordance with that agreement.

25 The last third are assessed civil penalties of up

1 to \$1,000.00 per violation which is the maximum allowed by

2 statute. The typical fine ranges from \$500.00 to \$2,000.00
3 depending on the severity and the number of violations that
4 we can charge.

5 In addition to our IES activity, APHIS continues
6 to focus on development of new regulatory treatments and
7 nursery compliance protocols to control or reduce ant levels
8 in nursery production areas. About \$350,000.00 is allocated
9 annually to Gulfport, Mississippi for methods development
10 work. To our knowledge, Gulfport is the only facility in
11 the country that is developing IFA regulatory treatments.

12 And the focus of today's meeting, of course, are
13 potential options for the program. Given the above
14 information, we decided to hold these public meetings to get
15 input on what direction the IFA program should take. To
16 help stimulate discussion on this issue, we proposed the
17 three options shown.

18 Under option 1, we would maintain our Imported
19 Fire Ant Program with minimal regulatory activity in line
20 with current funding. This option would provide uniform
21 standards and consistent interstate shipping requirements
22 for the regulated industry. Under this option, with the
23 current federal funding level, most states would enforce the
24 federal quarantine without federal dollars.

25 Under option 2, we would eliminate the federal

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1 quarantine and develop model guidelines for states to use in
2 harmonizing their quarantines. This option would reduce
3 federal costs and may provide uniformity without federal
4 regulation. However, under this option, states may impose
5 more or less stringent requirements. These requirements
6 could differ from state to state.

7 Under the third option, we would eliminate the IFA
8 regulations and would participate in establishing a
9 voluntary nursery certification program. This option would
10 also reduce federal costs and may provide uniformity without
11 federal regulation. However, such a certification program
12 is not mandatory and could result in less than 100 percent
13 participation.

14 At this time, the agency has made no decision on
15 how to proceed. All options including any submitted in
16 writing or presented at this meeting will be considered
17 before a final decision is proposed. Thank you again for

18 your interest in the -- today's meeting. And that concludes
19 my briefing.

20 MR. LIDSKY: Thanks, Ron. Our first registered
21 speaker is Mr. Randy Jacobs.

22 MR. JACOBS: Hi. I am Randy Jacobs -- that's J-A-
23 C-O-B-S -- representing Flowerwood Nursery. Flowerwood is a
24 wholesale nursery. We grow mostly woody ornamentals. We
25 employ about 800 people. We have 12 nurseries in Alabama,

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1 Georgia and Florida.

2 We ship to some 37 states and we feel that a
3 unified rule concerning the fire ant issue is very important
4 to us economically. The fact that dealing with -- the
5 possibility of dealing with 37 different rules scares us.
6 So we feel like Congress should restore the funding for the
7 imported fire ant quarantine and the USDA should continue to
8 enforce the quarantine in its present form. Thank you.

9 MR. LIDSKY: Thank you very much. Mr. Bill
10 Klinger, please.

11 MR. KLINGER: Good morning. My name is Bill
12 Klinger. That's K-L-I-N-G-E-R. I represent Lake Brantley
13 Plant Corporation. We have several locations here in the
14 central Florida market. Our main market is in the Florida
15 area. We do ship to some of the states outside the
16 quarantine.

17 We feel though that the current program needs to
18 be maintained. One of our biggest concerns is even though
19 we don't ship outside the state that much, we do bring in
20 materials from California and other states. This generates
21 a large amount of revenue for our company. It also
22 generates a lot of revenue for the state of Florida.

23 We collect a lot of sales tax. The majority of
24 our customers that we provide this material for, we collect
25 the sales tax for the state. So the lost revenue that the

1 state will receive from this will put undue pressure if the
2 Federal Government goes ahead and implements this program as
3 they are talking about doing. And that is pretty much what

4 I have to say right now.

5 MR. LIDSKY: Thank you. Mr. Bill Reese, please.

6 MR. REESE: Good morning. My name is Bill Reese,
7 R-E-E-S-E. I own and operate Greenbriar Nurseries in Marion
8 County, Florida in the north central part of the state. I
9 have approximately 100 acres in our growing areas and I have
10 35 full-time employees. This is a family-owned and operated
11 business.

12 We grow hearty woody ornamentals in containers for
13 shipment in the southeastern United States. Over -- a
14 little over 50 percent of our product leaves the state of
15 Florida. And I would say over 25 percent of our product
16 leaves the quarantine area in the southeastern United
17 States.

18 We presently spend about -- between \$20,000.00 and
19 \$30,000.00 a year in meeting the compliance requirements for
20 shipment of product outside of the quarantine area. We are
21 happy to do so. I should say -- maybe happy is not the
22 right word. But we feel obligated with the imported fire
23 ant pest problem that exists in our area to maintain the
24 proper controls that would require us to spend this type of
25 money to keep this pest from spreading and to maintain

1 controls over it.

2 We think that the de-funding is not a good option
3 and that, in fact, option 1, to maintain the federal
4 quarantine is our position. And some of the reasons are not
5 just to maintain it, but we think that the funding needs to
6 be increased to the point where adequate protections and
7 enforcement can be maintained.

8 I have served as a president of our Florida
9 Nursery and Growers Association and now am serving as the
10 immediate past president of the Southern Nurserymen and
11 Growers Association. And I can say that the vast majority
12 of the producers and nurserymen that belong to these groups
13 are small, independent, family-run operations.

14 And the adverse effects of having to deal when we
15 ship plant material out of the state of Florida and
16 especially out of the quarantine area of meeting all of the
17 requirements that could be in place if each state was
18 allowed to set their own requirements, their own regulations
19 would be devastating.

20 It would be very hard for us as an operation. It
21 would wreak some economic havoc on us to try to meet all the
22 requirements that different states could put up.

23 We also feel that the third option, the voluntary
24 option, would not be workable because it just would leave
25 too many people open to allow for this pest to be spread

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1 beyond where it is at now.

2 Also, I feel very strongly over the fact that the
3 federal controls and the federal guidelines -- this is an
4 incidence where I think the Federal Government is in the
5 proper position of exercising control. With uniform
6 standards and uniform enforcement, everyone knows what we
7 need to do and how we should be operating.

8 I can give a personal example. Over 12 years ago,
9 when we deal with just state regulations on state-to-state
10 shipments, we had a load of plant material that was going
11 into Texas. And it was about the time that there was -- the
12 state of Texas and the state of Florida were having some

13 discussions over grapefruit being shipped into Florida, so
14 grapefruit stock.

15 And so the Florida Department of Agriculture had
16 stopped some shipments of grapefruit from Texas coming into
17 Florida. Well, we had plant material which had been
18 inspected and met all the requirements that we felt we were
19 under going into Texas. But at that time, the state of
20 Texas decided, their Department of Agriculture, they were
21 going to hold up our shipment into Texas because they had
22 some issues with some of Florida's regulations.

23 So as an example, we had a whole load of plant
24 material that basically did not reach its destination and
25 because of the perishable nature of it never arrived in

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1 sellable condition. No fault of ours. But it was just an
2 example of where from state to state, as each state defines
3 its own regulations and as each state tries to enforce,
4 there wasn't a uniform standard in that particular instance.

5 So I have a big fear of what could happen if each

6 state were to be allowed to determine their own standards
7 and how we would try to meet those. So I would strongly
8 urge not only that option 1 be the option that is followed,
9 but that we do all we can to increase funding.

10 And I know I am up here speaking for myself as an
11 individual family farm owner and operator. But the
12 nurserymen that I deal with also feel strongly over the fact
13 that funding should be increased to maintain these programs
14 and what is being done at Gulfport and that this is
15 something for the protection of the citizens of the country
16 and for the protection of our industry that needs to
17 continue on. Thank you.

18 MR. LIDSKY: Thank you very much. George Hackney.
19 And I'm not sure I'm pronouncing this right.

20 MR. HACKNEY: George Hackney from Hackney Nursery.
21 That's H-A-C-K-N-E-Y. First, I would like to comment that
22 obviously all our other brethren in the nursery business
23 must not have gotten to page 11000 and something of the
24 Federal Register to realize where the meeting was. They
25 must be slow readers.

1 But I am here to urge to maintain the federal
2 quarantine. Hackney Nursery is located in Gadsten County,
3 Florida which is one of the poorest counties in Florida. We
4 are a family-owned and managed operation. We employ over 50
5 full-time people year-round.

6 A little bit about a quick history of the
7 agricultural industry in Gadsten County. We went from
8 shaved tobacco. And that was phased out. Then we went to
9 fruit and vegetables with a lot of tomatoes growing in that
10 area. And that is real shaky now with the Mexican problems
11 they are having. And through it all, the nursery business
12 has been the most stable and growing industry in our county.
13 And we would like to keep it that way.

14 Most of the plants in our county are grown and
15 shipped out of the quarantine area. I spent in my nursery
16 -- and we are probably one of the small ones -- spent in
17 excess of \$25,000.00 last year having Talstar incorporated
18 in our mix.

19 To do away with the federal quarantine and make it
20 difficult to ship out of the quarantine area and have
21 different rules for each state would be bad I think for the

22 consumers of this country because nursery plants are
23 historically grown in the south for a reason.
24 And that is because we can grow them cheaper with
25 a longer growing season we have. So it is cheaper to have

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1 plants grown here and shipped north. And the consumer up
2 there if this quarantine is done away with most likely will
3 end up paying more for plants.

4 The federal quarantine would level the playing
5 field. Everybody here has to abide by it now if you are
6 going to ship out of the quarantine area. So what we do to
7 make sure we are in compliance, we incorporated the Talstar
8 in our mix. And so every plant we grow is -- you know, we
9 can ship it within the quarantine area or out.

10 I really think that it would be -- it would wreak
11 havoc on our industry. And I think we are a fast growing
12 industry. And our reason we don't have more representation
13 here is that people don't realize that -- the quarantine has
14 worked so well that people don't realize what would happen -

15 - a lot of the newer people in the industry don't realize
16 what would happen if they were trying to ship plants without
17 the federal quarantine in place. Thank you.

18 MR. LIDSKY: Thank you. I am going to need some
19 help with the proper pronunciation of our next speaker's
20 name. I believe it is John Sparmann.

21 MR. SPARMANN: Sparmann. My name is John
22 Sparmann, S-P-A-R-M-A-N-N. I am with Imperial Nurseries in
23 Quincy, Florida which is a division of Growth in the Land of
24 Nurseries. At the present time, the company maintains two
25 growing operations, one in Quincy, Florida and one in

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1 Grandview, Connecticut. We also maintain eight distribution
2 centers in the mid-Atlantic to New England and the midwest
3 regions.

4 At the present time, we expect sales in excess of
5 eight million this year out of this which are between 99 and
6 100 percent out of the quarantine area. The present
7 treatment that we have is an approximately \$100,000.00

8 budget item. We feel that it is of utmost importance that
9 we have a uniform code throughout all the states in this
10 nation regarding the fire ant quarantine.

11 It would be detrimental if we would have to deal
12 with each state individually. I personally think we
13 wouldn't even be able to survive those conditions. So I
14 strongly urge for the position 1, to maintain the present
15 quarantine regulations. Thank you.

16 MR. LIDSKY: Thank you. Mr. Fred May.

17 MR. MAY: My name is Fred May, excuse me, M-A-Y.
18 I have a nursery. I am a co-owner of a family-held
19 operation in Gadsten County, also, a little community called
20 Havana which is just five miles south of the Georgia line.
21 As has already been stated, we are in an economically
22 deprived area.

23 Our operation is approximately 185 acres. We
24 spend approximately \$75,000.00 a year to comply with federal
25 fire ant regulations between Talstar incorporated in the mix

1 and Amtro applied twice a year in the surrounding areas.

2 We feel like that to eliminate the quarantine
3 would be a tremendous burden on our little operation. Like
4 I say, it is a family-held operation. And the added
5 regulations and all we would have to deal with would be a
6 tremendous burden to us.

7 We feel that out of your options, to keep the
8 quarantine really is the only option you have. To make it
9 voluntary just wouldn't work. To allow each state to make
10 its own regulations, like I stated, would be a tremendous
11 burden not only to us, but to everyone else in the industry.

12 As has been stated also, it would level the
13 playing field for all of us. And we strongly urge you not
14 just to maintain the quarantine, but increase the funding
15 there, as well.

16 MR. LIDSKY: Thank you. Mr. Thad Beshears.

17 MR. BESHEARS: Good morning. My name is Thad
18 Beshears, B-E-S-H-E-A-R-S. I represent Simpson Nursery in
19 Monticello, Florida. We are a deciduous tree grower, employ
20 about 100 to 125 people full-time annually. We spend about
21 \$45,000.00 to \$50,000.00 a year on Talstar to keep
22 regulations and compliance up with the regulations. And we
23 ship from Maryland to Texas and in between.

24 And to deal with just the paperwork alone would
25 just probably -- it would just be a burden to all of us like

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1 everybody says. And as much government paperwork as you
2 have to do already, another couple of steps wouldn't be too
3 fun I'm sure to deal with. So I just urge you to keep up
4 with -- or to maintain the federal act you have right now
5 and not require anymore paperwork on us than as it is.
6 Thanks.

7 MR. LIDSKY: Thank you. Mr. Matt Powers, please.

8 MR. POWERS: Good morning. I am Matt Powers,
9 P-O-W-E-R-S. I am representing Florida Potting Soils who is
10 in the custom soil-blending business, managing facilities in
11 both Florida and Georgia. We have 50 to 60 permanent
12 employees and 100-plus contract employees.

13 We feel that it is going to be to the best need to
14 maintain the federal quarantine and to restore funding if
15 possible. Currently, we are mixing Talstar for
16 approximately ten percent of our customer base. Not all of

17 this is for certification, but a tremendous amount of it is.

18 We have some experience in operating under
19 different state regulations as it affects our business. And
20 we don't want to go that route if we can help it. Every
21 state that we do business in we have to operate a little
22 differently. And the paper trail can just be a nightmare.

23 We don't need more regulation. We do feel that we
24 do need to maintain the federal quarantine as it is. Thank
25 you.

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1 MR. LIDSKY: Thank you. Mr. Danny Phelps.

2 MR. PHELPS: Good morning. My name is Danny
3 Phelps, P-H-E-L-P-S. I am here representing the Florida
4 Department of Agriculture Consumer Services, Division of
5 Plant Industry. We appreciate the USDA holding these
6 meetings and permitting affected stakeholders to comment on
7 the course of action that the agency should take in dealing
8 with plant protection problems that affect us all.

9 USDA's imported fire ant quarantine has been very

10 effective. Over the years, we have contained the artificial
11 spread of IFA. The Florida Department of Agriculture and
12 Consumer Services, Division of Plant Industry has been a
13 cooperator in the IFA Program since April of 1988.

14 The FDACS DPI is committed to providing and
15 carrying out the essential regulatory quarantine provisions
16 of the IFA Program. Currently, there are 1,318 nurseries
17 with 12,560 acres in Florida under compliance for IFA
18 certification to ship regulated articles out of the IFA
19 quarantine area.

20 The FDACS DPI has continually provided this
21 important certification service to the Florida nursery
22 industry in spite of having federal funds cut from the
23 initial \$202,000.00 during federal fiscal year 1989 to zero
24 for this fiscal year.

25 The FDACS DPI has continually provided this

1 important certification -- excuse me. During the past 11
2 years, the DPI has worked closely with the USDA in resolving

3 problems associated with the minimal number of IFA-infested
4 shipments that were shipped out of the fire ant quarantine
5 area.

6 This included a close working relationship with
7 Homer Collins at the IFA Research Station in Gulfport to
8 find a solution to chemical treatments that were no longer
9 effective in eliminating fire ant from shipments of nursery
10 stock.

11 IFA is still considered to be a serious
12 agricultural pest, as well as a public nuisance. And,
13 therefore, USDA's leadership and involvement to maintain an
14 IFA-funded, biologically sound IFA certification program is
15 well justified. The continued success of the IFA
16 certification program is very much dependent upon
17 maintaining an adequately funded, unified and proven federal
18 quarantine program.

19 Eliminating the fire ant quarantine would only
20 create additional burdens, confusion and hardships for the
21 affected industries, state regulatory agencies and general
22 public as non-infested states implement inconsistent and
23 unjustified regulations.

24 A perfect example from a Florida perspective is
25 the unreasonable, non-uniform and very expensive nematode

1 regulations currently promulgated by several states. It is
2 imperative that an IFA quarantine be maintained to ensure a
3 uniform set of regulations and level playing field for all
4 affected parties. It is for these reasons that DPI's
5 position is that the federal quarantine program must remain
6 in place and receive the necessary funding for its
7 continuation. Thank you.

8 MR. LIDSKY: That's fine. Thank you. Thank you
9 very much. Mr. Monty Knox, please.

10 MR. KNOX: Good morning. My name is Monty Knox,
11 M-O-N-T-Y K-N-O-X. I am vice president of Knox Nursery,
12 Incorporated. We are now the ninety-second greenhouse
13 operation in the United States. I ship to all 50 states,
14 Canada and the Caribbean Islands.

15 In 1996, we built a six-million-dollar plug
16 facility that is state of the art. It has all of the latest
17 and greatest in high tech. amenities. On the imported fire
18 ant quarantine, this past fall, the National Pest Council

19 was given a proposal to certify what a fire ant-free
20 greenhouse operation would be. And it had -- some of the
21 proposals were it had to be a positive pressure greenhouse.
22 It could have no openings. It could have -- and it had to
23 have concrete floors with double doors. And it had to have
24 a concrete lip I think either three or five feet surrounding
25 the entire greenhouse.

25

1 Being a past president of the Action Chapter of
2 FNGA, I believe that there would only be eight operations
3 out of 200 in the Action Chapter that could possibly live up
4 to that. And those eight would be tissue culture labs which
5 have to be sterile. Any container-growing nursery, any plug
6 operation, my six-million-dollar facility would not comply
7 with that because I have got retractable-roof greenhouses
8 which is the latest in high tech. state of the art. And it
9 would not qualify.

10 I spent six million dollars to make a growing
11 facility to help me grown my plants. And if I can't ship

12 outside of the imported fire ant quarantine, then I just
13 wasted it.

14 Those are some of the regulations that if the
15 Federal Government doesn't maintain the quarantine and
16 doesn't maintain a level playing field, then there is no use
17 for it. There is no use for us to even try to ship out of
18 the state because there are states that will put in -- that
19 will put in regulations that we can't meet.

20 Two hundred and fifteen years ago, we dropped a
21 system of government called the Articles of Confederation
22 and we went to a Constitution form of government that
23 created a Federal Government. And one of the reasons was to
24 prevent noxious and unattainable regulations between the
25 states and to create a Commerce Department that prevented

1 states from putting up barriers to interstate trade.

2 And if -- this is a perfect example why the
3 Federal Government is in place and why we have a Commerce
4 Department and why we have a Department of Agriculture.

5 One of -- another main thing -- and if you really
6 want to have an idea as to how other states will do this is
7 we are now selling plants over the internet. And we have
8 teamed up with garden.com to sell annuals. And we have
9 begun shipping.

10 And we have gotten a burrowing nematode
11 certificate that is effective in the country. And
12 California is refusing our shipments because we don't have
13 -- on our burrowing nematode certificate, we don't have mail
14 order shipments only on it. They accept our plugs that go
15 to commercial without any problem. They wave it right on
16 through.

17 But with our garden.com boxes, they are stopping
18 at the airports and going you don't have a mail order
19 shipment. I said, okay. So I called the Department of
20 Plant Industry. We got our inspectors.

21 And he goes -- and Robbie who is our chief
22 inspector says, Monty, you better sit down and you better
23 have a cold bottle of ice water. I said, why. He goes,
24 well, let me put it to you this way, it is the exact same
25 certificate, it is the exact same number, it is the exact

1 same name. All I have to do is put on it mail order
2 shipments only.

3 I said, you must be kidding. He goes, no, and
4 guess what, California is a good state. I said, what do you
5 mean. He goes, Arizona won't accept it. Arizona will not
6 accept mail order shipments off of internet-driven orders
7 from anywhere outside of the state of Arizona.

8 I said, they accept our plugs. He goes, that is
9 commercial; they can't stop that. But they are flat going
10 to stop you on internet. And I thought, boy, this is kind
11 of interesting since, you know, progress and the way this
12 country's economy is going, that the royal state of Arizona
13 is going to block out 49 other states' products.

14 So that is why we must maintain at a federal level
15 the imported fire ant quarantine. Thank you.

16 MR. LIDSKY: Thank you. Ms. Nancy McDonald,
17 please.

18 MS. McDONALD: Nancy McDonald, M-C-D-O-N-A-L-D.
19 My company name is MGM Productions, Inc. I am in Mount
20 Dora, Florida. Good morning, gentlemen. I am the current

21 president of the Action Chapter of the Florida Nursery
22 Growers Association. And I reiterate what Monty had to say
23 about laboratories being the few that would meet those
24 standards.
25 The operation, which I am lucky enough to be

28

1 purchasing as of November 1st, was built by a gentleman who
2 has been in Florida 17 years, had 14 facilities and has sold
3 ten to the management. And I am the tenth buy-out. I am
4 purchasing a 2.4-million-dollar operation. I employ 13
5 people full-time, one office/shipping person handling the
6 paperwork.

7 My number one customer where I would say 95
8 percent of our product leaves the area -- my number one
9 customer is in California. We adhere to all the nematode
10 regulations. We have had difficulties with Louisiana, Texas
11 and Arizona periodically, just different states pulling
12 their ranks.

13 My nursery is the state of the art. We have

14 rolling benches off the ground, pot-to-pot irrigation,
15 overhead shade. Not only do the fire ant regulations, but
16 the industry is gearing for the nitrate, et cetera,
17 pesticides.

18 The point made there this morning already was
19 available products. And that is another issue. Protocol on
20 our nursery on sanitation is extraordinary. I mean, we
21 follow it to a T. Like I said, November, December, January
22 February, March, I am so excited that this opportunity -- my
23 product has got to move and we cannot deal with the
24 current -- anything worse or above Georgia.

25 I think some of the folks aren't here today

29

1 because they can't bring it to themselves to be asking for
2 more bureaucratic or Washington involvement, but we need it.
3 And we need to keep that level playing field definitely. I
4 personally need it to keep my market viable. Gentlemen, I
5 hope your final answer is option number 1.

6 MR. LIDSKY: Thank you. Our last registered

7 speaker is Mr. Ben Bolusky, please.

8 MR. BOLUSKY: Good morning, Mr. Lidsky, Mr.
9 Milberg, Dr. Collins. I am Ben Bolusky, B-O-L-U-S-K-Y,
10 executive vice president of the Florida Nurserymen's Growers
11 Association based here in Orlando, Florida.

12 We are very pleased the United States Department
13 of Agriculture is holding a hearing here in Florida, the
14 second largest nursery production state in the nation, and
15 you are seeking public and industry input in the -- on the
16 impact of possibly rescinding or not enforcing the federal
17 quarantine on imported fire ants.

18 Previously, before coming to the FNGLA in the
19 spring of 1998, I was for 12 years the director of
20 government affairs at the then-American Association of
21 Nurserymen, now the American Nursery and Landscape
22 Association.

23 And you can never take Washington out of an
24 individual. So exercising the right to uphold that age old
25 Washington, D.C. tradition of filibustering, I do have a

1 written statement that I would like to read into the record.

2 The Florida Nurserymen and Growers Association
3 represents Florida's leading 2000 production nurseries,
4 landscape firms, retail garden centers and horticultural
5 suppliers. As noted earlier, Florida is the second largest
6 nursery production state with growers' farm-gate sales
7 estimated in 1997 at 1.464 billion dollars. Florida is this
8 nation's largest producer of foliage or indoor houseplants.

9 And lastly, it is significant to note that the
10 nursery industry is one of the three largest segments of
11 agriculture in Florida. The nursery and landscape industry
12 employs approximately 140,000 workers in the Sunshine State
13 and makes a 5.4-billion-dollar impact on Florida's economy
14 according to a 1999 study by the University of Florida.

15 What I would like to do is give -- since given an
16 indication -- or an illustration of the size and scope of
17 the industry here in Florida, tie that into an overview of
18 the nursery industry nationwide, just touch briefly on the
19 imported fire ant issue, and then address a couple of
20 questions.

21 One is the federal quarantine still needed, what
22 are some additional reasons that the Federal Government

23 should be involved, what federal funding is needed, and then
24 just some concluding remarks, if I may.

25 The nursery and greenhouse industry is an exciting

31

1 success story and perhaps the most promising growth segment
2 of American agriculture. According to USDA's economic
3 research service, the nursery and greenhouse industry
4 remains the fastest growing agriculture sector in terms of
5 cash receipts.

6 In 1998, nursery and greenhouse operations had
7 estimated national sales in excess of 12 billion dollars.
8 Grower cash receipts from nursery and greenhouse sales have
9 grown steadily over the last two decades. They are
10 increasing at approximately a half billion dollars per year,
11 representing five percent growth annually.

12 Now, while the number of U.S. farms of all types
13 has declined over the last two decades, the number of
14 nursery greenhouse operations, farms, has increased. The
15 United States is the world's largest producer and marketer

16 for nursery and greenhouse crops. These crops represent an
17 important and unique segment of agriculture whose positive
18 impact is felt on the national, state and local levels.

19 In terms of economic output, nursery and
20 greenhouse crops represent the second most important sector
21 in U.S. agriculture, ranking seventh among all commodities
22 in cash receipts nationwide and among the highest in net
23 foreign income. The nursery industry has achieved this
24 growth and success without any federal subsidies or federal
25 price supports.

1 Imported fire ant, as you demonstrated earlier, is
2 an invasive insect pest accidentally introduced into the
3 United States near Mobile, Alabama early in the 1900s.
4 While eradication has largely failed except for small
5 isolated infestations outside quarantined areas, efforts at
6 controlling and slowing the rate of spread have had a very
7 positive effect and merit continuation.

8 USDA's Animal and Plant Health Inspection Service,

9 APHIS, maintains a quarantine to slow the spread of imported
10 fire ant to uninfested areas. This is squarely in keeping
11 with USDA's basic policy to maintain federal quarantines
12 with pests such as the imported fire ant so long as the
13 pests are either of limited distribution or under
14 eradication.

15 The quarantine includes rules for shipping fire
16 ant-free nursery and greenhouse plants, quarantine
17 activities such as pest surveys, compliance monitoring and
18 enforcement of violations has been declining for years.

19 In recent years, USDA has expressed an interest in
20 rescinding the federal quarantine. This desire was
21 reflected in declining federal funds over the last few years
22 for the quarantine.

23 For at least ten years as you demonstrated
24 earlier, USDA's formal budget request to Congress included
25 no funds for the imported fire ant quarantine a specific

2 Nonetheless, through these last ten years,
3 Congress properly recognized the importance of the IFA
4 quarantine. And despite USDA's failure to request such,
5 Congress appropriated federal funds to maintain it.

6 However, in the current 2000 fiscal year, funding
7 was virtually eliminated. It is leading to some pressure
8 within USDA to revoke the federal quarantine all together
9 which brings us to this public meeting today. This shifts
10 an undue burden onto states and affected industries.

11 As you heard from Danny Phelps of the Florida
12 Department of Agriculture Consumer Services and its Division
13 of Plant Industry a few moments ago, there are 1,318
14 nurseries with 12,560 acres in Florida under compliance for
15 imported fire ant certification to ship regulated plants out
16 of the imported fire ant quarantine area.

17 USDA's funding share for Florida was cut from a
18 high of \$202,000.00 in the 1992 fiscal year to zero dollars
19 in the current fiscal year. FNGA strongly and vigorously
20 believes federal funding assistance must be restored.

21 Let's address the question is the federal
22 quarantine still needed. Imported fire ant has spread
23 throughout the southeast from eastern North Carolina, south
24 to Florida, and west through much of Texas.

25 Several counties in southern California are also

34

1 partly infested. Huge areas of the United States are still
2 uninfested and understandably want to stay free of this
3 significant human health and agricultural pest as long as
4 possible.

5 The federal quarantine allows for a coordinated,
6 consistent approach to slowing the fire ant spread. Without
7 USDA APHIS involvement, states will be forced to endure
8 alone the government's share of the burden in dealing with
9 this pest.

10 Let's take a look for a moment at the loss of
11 marketplace uniformity which you have heard from several of
12 the growers who have testified here this morning. For the
13 nursery and greenhouse industry, the federal quarantine
14 means one set of uniform rules for shipping products
15 interstate.

16 Florida, other southern states and southern
17 California are major production areas for nursery and

18 greenhouse plants, growing literally billions of dollars
19 worth of trees, shrubs, flowers and other plants. Many of
20 these plants are shipped to other parts of the country.
21 Revocation of the federal imported fire ant
22 quarantine would open up the opportunity for uninfested
23 states to pass their own rules. This would relegate nursery
24 growers to struggle to try to comply with confusing, perhaps
25 conflicting demands for chemical treatments and shipping

35

1 certifications.

2 It is extraordinarily difficult, as you heard here
3 this morning, for a nursery, the vast majority of which are
4 small family-run businesses, to meet differing state-by-
5 state rules for how a crop must be grown, how it must be
6 treated, how it must be shipped, and what sorts of paperwork
7 must be filled out and kept.

8 The track record of individual states is not very
9 good, not very good at all in following a federally
10 developed set of model guidelines. This is why the option

11 number 2 that you had on the screen earlier is not workable,
12 is not advantageous and is not worthwhile to proceed.

13 Nurseries already bear considerable consists to
14 comply with quarantine requirements. While FNGA hopes those
15 costs can be reduced over time, the nursery industry and the
16 state governments are certainly shouldering their respective
17 shares of the burden.

18 USDA APHIS must not abandon its mantle of
19 responsibility to slow imported fire ant spread. Moreover,
20 adequate imported fire ant quarantine enforcement is needed
21 to ensure that law abiding nurseries are not put at an
22 unfair competitive disadvantage in the marketplace. This is
23 why the third option in terms of voluntary nursery
24 compliance certification is a non-starter.

25 Let's take a look for a moment at an issue with

1 the loss of research funding and coordination. Currently,
2 much of the applied research dealing with fire ant
3 quarantine controls and treatments is conducted by USDA

4 APHIS and USDA's Agricultural Research Service.

5 This invaluable work would likely cease without a
6 federal quarantine in place. And in the absence of the
7 federal quarantine, nursery growers would still face the
8 need for research. In fact, a proliferation of different
9 state quarantines would create an even greater research need
10 for imported fire ant controls and treatments.

11 Let's take a look at a couple of additional
12 reasons why the Federal Government should remain involved.
13 National concern over invasive species is at an all time
14 high. Imported fire ant is just one of these species. The
15 USDA's imported fire ant quarantine is consistent with both
16 the recent Executive order on invasive species and the
17 increasing Congressional concern over invasive species.

18 Imported fire ant is also a troublesome public
19 health and agricultural pest. Since it is both an invasive
20 species and a human health threat, preventing the spread of
21 imported fire ants is not only a legitimate public policy
22 goal, but its quarantine and research program is a
23 reasonable expenditure of public funds.

24 Preventing or slowing its movement to the many
25 uninfested states is a shared goal. And the Federal

1 Government must share in the funding. What funding then,
2 what federal funding is needed?

3 Florida Nurserymen and Growers Association agrees
4 with the findings, the recent findings of the National Plant
5 Board that continuation of APHIS's shared involvement in the
6 federal IFA quarantine requires an estimated 7.5 million
7 dollars.

8 Such funds would be directed as follows: For
9 oversight and quality control; 1.3 million dollars,
10 information and outreach, \$100,000.00; investigation of
11 violations, \$100,000.00; methods of development and possible
12 implementation of biological control, one million dollars;
13 state quarantine enforcement and monitoring, two million
14 dollars; and state surveys, three million dollars.

15 This approach must involve a partnership of the
16 federal and state governments. Restoration of 7.5 million
17 dollars in the 2001 fiscal year funding for USDA APHIS's
18 fire ant line item will ensure a viable and effective
19 quarantine.

20 It will ensure a viable and effective marketplace
21 for the nursery industry. And it will ensure a viable and
22 effective research program to address the continuing -- to
23 address the spread of imported fire ant into uninfested
24 areas. FNGA strongly urges USDA to incorporate and embrace
25 such funds its budget discussions and negotiations with

38

1 Congress over the weeks ahead.

2 As the voice of Florida's nursery and landscape
3 industry and in full concert with the American Nursery and
4 Landscape Association, FNGA implores USDA APHIS to maintain
5 a viable and effective federal imported fire ant quarantine.
6 Nursery growers are already shouldering their cost of the
7 burden and are doing it willingly in order to maintain a
8 uniform, consistent set of rules to have uniformity -- or
9 unity in the marketplace.

10 State governments such as Florida's Department of
11 Agriculture and Consumer Services and particularly its
12 Division of Plant Industry are trying to do the same even in

13 the face of a current absence of USDA support in funds.

14 USDA APHIS must not abandon its share of responsibility.

15 And it is a share of that responsibility. The fire ant

16 quarantine must be actively maintained and fully funded.

17 And thank you, gentlemen, for the opportunity.

18 MR. LIDSKY: Thank you very much. Are there any
19 persons who have not registered that would like to make some
20 remarks for the record?

21 MR. PECKETT: My name is Chet Peckett,
22 P-E-C-K-E-T-T. I just signed the wrong sheet out there I
23 think. But we are a wholesale foliage operation. We have
24 about ten acres of greenhouses. We have about 25 employees.
25 We -- I could say ditto to everything everybody said in

1 here.

2 We ship about 98 percent of our product out of the
3 state of Florida into some of these restricted areas. We
4 also ship about 15 percent of our product probably to the
5 state of California. California is by far, no doubt, as

6 Monty said, the most difficult to deal with. But we are
7 dealing with them.

8 And I also repeat what everybody else says. I am
9 in favor of option number 1. I don't think we have any
10 choice. I think when we have the opportunity to have the
11 Federal Government involved to help us in this case, then we
12 should certainly avail ourselves of it.

13 We are -- most everybody that you are seeing in
14 this room complies with these regulations. I think it is
15 not difficult. It is so easy. Maybe there are some things
16 we can do through FNGA, some other task forces and so forth
17 that -- just have everybody -- everybody does not have to
18 incorporate Talstar and some of these chemicals in their
19 soil mixes.

20 Today it is voluntary regulation. But probably
21 most people do. It is not an extensive option. And maybe
22 there are some additional regulations that can be looked at
23 perhaps in reviewing this whole process that might make it a
24 little easier for other states to accept our product and so
25 forth.

1 The other thing that hasn't been mentioned here
2 today that I think should be mentioned is -- well, Ben
3 mentioned I guess -- but there is a lot of money coming out
4 of the state of Florida. And I know you are going to hold
5 these hearings elsewhere in the country, in the southeast
6 anyway.

7 But I can't even imagine what kind of havoc it
8 would wreak on these other states if they couldn't get this
9 product out of the state of Florida, I mean, this product
10 that these people retail. And I know it is going to be hard
11 to get mass markets and the large retailers to get involved
12 and voice their opinions.

13 But we have -- all this product that you see, even
14 you heard the woody ornamental people, lots and lots of this
15 product goes into those other states. And if those other
16 states for whatever reason can't or won't accept our
17 product, most of who you are going to hear from are going to
18 be wholesale producers.

19 And I dare say with the amount of product that is
20 produced in the state of Florida, it is going to take them
21 years and years and years, if ever, to be able to replace

22 that kind of production. I just don't think they can do it.

23 So we are in favor of number one.

24 MR. LIDSKY: Thank you. Please come up, sir.

25 MR. MILLER: Good morning, everybody. My name is

41

1 Jack Miller. I am the co-owner of Botanics Wholesale in
2 Homestead, Florida. We are a 90-acre operation and employ
3 35 people.

4 As I was driving up here this morning, I was
5 thinking about what Monty spoke of, the fact that in some of
6 my history classes, I remembered one of the reasons why the
7 states were formed. And that was to facilitate interstate
8 commerce. As I recall, there were different forms of
9 currency and it was basically a major bottleneck.

10 Approximately 25 percent of our product is shipped
11 to Arizona and California. In the last, oh, year or so, the
12 capriciousness of some of the states has become really
13 evident. And it has become increasingly more difficult. We
14 incorporate Talstar in all our soil. We additionally drench

15 everything that goes to California and Arizona.

16 We also ship throughout the world. We ship to
17 probably five of the seven continents. And I would guess
18 that California and Arizona are as difficult as any of the
19 countries with the exception of Japan to ship to which we
20 have shipped to.

21 In our effort to help facilitate greater
22 knowledge, we co-funded reniform nematode research with the
23 University of Florida that proved that certain palms would
24 not support reniform nematodes. And that has been acted
25 upon in foreign countries, but it doesn't seem -- Danny, is

42

1 it not correct, they haven't responded to that in California
2 and Arizona?

3 So we have through objective research at the
4 University of Florida established that. Yet states refuse
5 to recognize that.

6 Let's see. As Ben also pointed out, horticulture
7 is not subsidized as a lot of agriculture is. If there was

8 ever going to be any help for horticulture, I think
9 something of this nature should be done because we do employ
10 a lot of people. As the farms across the U.S. and, of
11 course, in Florida shrink and diminish and become corporate
12 entities, a lot of that labor that was employed on farms now
13 is being employed by nurseries.

14 Let's see. Bear with me. We were the 1996 Grove
15 of the Year for the state of Florida. And as such, we try
16 to adhere to the highest standards, which we do. And in
17 spite of that, we have had episodes when we have shipped to
18 California and Arizona where possibly a dead ant, be it a
19 fire ant or more recently a big-headed ant has been found.
20 And we have had to have an entire shipment brought back to
21 Florida.

22 The changing rules of the game that these states
23 have demonstrated causes me to shutter to think if the
24 Federal Government was no longer involved in the fire ant
25 regulation. And I do, in fact, implore you to maintain your

1 position with regard to the federal fire ant regulations.

2 And I fundamentally believe that is it. And I hope you

3 listen to us. Thank you.

4 MR. LIDSKY: Thank you. Please come up, sir.

5 This is the opportunity for additional comments, questions.

6 This is your time. So please feel free.

7 MR. COBB: Thank you very much for the

8 opportunity. My name is Gary Cobb. I flew up this morning

9 from Mobile, Alabama where we have a container nursery,

10 Cottage Hill Nursery. It is a 100-acre facility. And we

11 employ about 125 people year-round.

12 We ship our ornamentals all through 48 lower

13 states as well as into Canada. And when I recently became

14 aware of the loss of the federal fire ant quarantine

15 program, I immediately became very concerned about that

16 issue. And I tried to think it through and think about some

17 of the consequences that may be impacted by that. And I

18 really ended up focusing on two of those.

19 The first area of impact that I think is important

20 is on the health and well being of the public in general. I

21 don't know whether you gentlemen have any exposure to the

22 imported fire ant. But it is a very painful bite. And they

23 are very aggressive insects.

24 But beyond the pain, they are also quite toxic. I
25 had an employee who has worked with me for seven or eight

44

1 years who has reactions to these insects. It requires
2 immediate attention. And even with immediate medical
3 attention, he typically is bedridden for 24 to 48 hours. So
4 the spread of this pest into other areas that are not
5 currently infested certainly poses new problems for the
6 public that would be exposed under that situation.

7 The second major concern is much of what I have
8 heard in here so far, is the negative economic impact that
9 the loss that this quarantine will have on the ornamental
10 horticulture industry and I think ultimately on the
11 consumer.

12 Much of the ornamental horticulture production is
13 located within fire ant infested areas. And this is due
14 primarily to a good climate and good economic conditions
15 that favor our production in areas where we have to co-exist
16 with the imported fire ant.

17 But regardless of that situation, we as producers
18 within those areas have been very effective in eliminating
19 our products as vehicles for the transport of the fire ant
20 into non-infested areas. In fact, we have and we continue
21 to ship clean product throughout the United States and in
22 Canada as I mentioned earlier.

23 And, of course, this has been achieved by
24 compliance programs and regulatory oversight that was
25 developed and administered by the USDA in cooperation with

45

1 various state agencies.

2 Without a federal quarantine, regulation of
3 product shipment from areas inside of the fire ant infested
4 areas to locations outside of those areas will no longer be
5 controlled by a single effective and fairly administered set
6 of rules. Instead, regulation will be relegated to numerous
7 dissimilar and less effective programs that will have to be
8 developed by individual states.

9 Lack of a centralized regulatory agency

10 responsible for administering the quarantine can only
11 decrease the effectiveness of the effort to slow or prevent
12 the spread of this pest.

13 In addition, when you leave the regulatory efforts
14 to individual states, it politicizes the issue and thus
15 threatens the fair market access that the previous speaker
16 was addressing. Individual states may feel pressure to
17 regulate and promulgate the fire ant quarantines or
18 restrictions to benefit their own state -- own in-state
19 industries.

20 This, of course, would deny fair interstate
21 commerce. And that ultimately would increase the cost of
22 goods to the consumer.

23 Of course, the fire ant has economic impact far
24 beyond our industry. The introduction of fire ants into
25 uninfested areas can occur in many situations that are not

1 related to ornamental horticulture. Because of the scope of
2 the very issues that are being discussed today, I think it

3 serves as a great example of why the Federal Government
4 should be involved in this program.

5 I think it is essential and warranted that the
6 federal process stay in place to assure that there are --
7 that the public interests are met, to keep an effective fire
8 ant control measure in place and to ensure free and open
9 commerce within the affected industries.

10 So for whatever reason Congress did not fund the
11 USDA's fire ant quarantine program this year, I think we
12 have to go back and re-look at that issue. What we are
13 asking for you to do is to join with us in recognizing that
14 it is essential to maintain this federal fire ant
15 quarantine.

16 And then once -- I believe once we convince you of
17 that, only option 1 really serves that purpose. That is
18 certainly the option that myself and my fellow nursery
19 people that I have spoken to in Alabama would support.
20 Thank you for the few minutes and the opportunity.

21 MR. LIDSKY: Thank you. Please come up.

22 MR. TURK: Thank you, gentlemen, for the
23 opportunity to come and speak and express our point of view.
24 And thanks to you -- I didn't get to hear many of you -- for
25 coming, fellow nurserymen and representatives to come and

1 express your point of view. It is important.

2 My name is Bill Turk. I am from Martin's Nursery.

3 We are located in Simms, Alabama which is just outside of
4 Mobile on the Alabama Gulf Coast.

5 I was fortunate to get to fly up with Mr. Cobb on
6 the airplane this morning. When he invited me the other
7 day, I almost jumped at the chance when he said there was an
8 extra seat on the plane. And then he told me he was flying.
9 And I almost crawfished out, but it was quite a pleasant
10 flight this morning. Thanks, Gary.

11 We are a small, family-owned nursery growing
12 primarily azaleas. On nearly 60 acres of irrigated area, we
13 employ 15 to 20 people year-round. Our markets are
14 typically within 600 miles. And we ship about 20 to 30
15 percent of our product outside of the fire ant quarantine
16 area.

17 Last year, we shipped to 16 different states
18 including Alabama. But Alabama only accounted for about ten

19 percent of our sales.

20 As you can see, interstate commerce is very
21 important to us and we are pleading with you to protect it.
22 The consistent set of rules through the USDA APHIS
23 involvement does just that, it protects our avenues for
24 trade. We are committed to the quarantine and the
25 quarantine requirements. And we spend approximately

48

1 \$10,000.00 annually.

2 We respectfully ask for your continued commitment
3 from the USDA. Not only do I represent Martin's Nursery,
4 but I am also a board member of the South Alabama
5 Nurserymen's Association as well as the Alabama Association
6 of Nurserymen. These associations represent hundreds of
7 small, medium and large nurseries who simply would not be
8 able to comply with multiple state quarantine rules and
9 regulations.

10 In summary, I am asking for the restoration of a
11 minimum of 3.5 million in funding for the USDA APHIS fire

12 ant line item to help ensure a workable, viable and
13 effective quarantine. I am asking this on behalf of many in
14 our industry, the nursery industry which is quietly growing
15 and shining and doesn't usually ask for much. And once
16 again, I appreciate the opportunity to talk.

17 MR. LIDSKY: Thank you. Please come up.

18 MS. HENDERSON: My name is Carolee Henderson,
19 H-E-N-D-E-R-S-O-N. I represent the Florida Farm Bureau
20 Federation. I would like to thank the United States
21 Department of Agriculture APHIS for providing this hearing
22 for us today to review the fire ant quarantine.

23 I am pleased to testify on behalf of the Florida
24 Farm Bureau Federation. Florida Farm Bureau is a general
25 farm organization. We represent all of Florida agriculture.

1 Nursery growers make up a large percentage of our
2 membership. The Florida Farm Bureau Federation believes
3 that the federal quarantine should remain intact. The
4 federal quarantine is easier to comply with than several

5 different state quarantines. Furthermore, states that do
6 not currently have a problem with the fire ants do not want
7 a problem with the fire ants.

8 We support the Florida Nurserymen and Growers
9 Association and their comments. Thank you for this
10 opportunity to provide public comment to you on this very
11 important issue. And I have -- thank you.

12 MR. LIDSKY: Thank you. Thank you very much. Are
13 there any other persons that would like to make any remarks
14 for the record? Mr. Bolusky, I assume that the two
15 gentlemen from Alabama were the people that we were waiting
16 for.

17 MR. BOLUSKY: Yes. Thank you.

18 MR. LIDSKY: Okay. So we are not aware of anyone
19 else that may be attending this meeting.

20 MR. BOLUSKY: Correct.

21 MR. LIDSKY: Okay. Well, what I would like to say
22 is I would like to thank everyone on behalf of USDA for
23 coming out and showing your strong support for the program,
24 taking time away from your businesses to express your
25 comments.

1 I can assure you that your comments will receive
2 very close scrutiny by the APHIS management team, that is
3 the deputy administrator, the regional administrators, as
4 well as the regional plant boards and the national plant
5 board. We have heard very unequivocal statements and
6 messages delivered today. And that is very helpful. And we
7 thank you very much.

8 And just as a reminder, I do have some survey
9 forms up front if you did not pick on up at the registration
10 table, if you would take a minute or two to fill those out
11 before you leave. Thanks and have a safe trip home.

12 (Whereupon, at 10:31 a.m., the hearing in the
13 above-entitled matter was concluded.)

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Public Meeting - Imported Fire Ants (IFA)

Name of Hearing

00-008-1

Docket No.

Orlando, Florida

Place of Hearing

March 23, 2000

Date of Hearing

We, the undersigned, do hereby certify that the foregoing pages, numbers 1 through 50, inclusive, constitute the true, accurate and complete transcript prepared from the tapes and notes prepared and reported by Bonnie J. Niemann, who was in attendance at the above identified hearing, in accordance with the applicable provisions of the current USDA contract, and have verified the accuracy of the transcript (1) by preparing the typewritten transcript from the reporting or recording accomplished at the hearing and (2) by comparing the final proofed typewritten transcript against the recording tapes and/or notes accomplished at the hearing.

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